

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARIE MOORE

Plaintiff,

-against-

CASE NO: 07 CV 0397 (ENV)

DIVERSIFIED COLLECTION SERVICES, INC.

Defendant.

**DECLARATION OF AMIR J. GOLDSTEIN, ESQ. IN SUPPORT OF PLAINTIFF'S
MOTION FOR ATTORNEY'S FEES AND COSTS**

I, Amir J. Goldstein, declare as follows:

1. I am Plaintiff's attorney in the matter above captioned and as such am fully familiar with the facts and circumstances set forth herein.
2. I submit this declaration in support of Plaintiff's Motion for Attorney's Fees and Costs.
3. Pursuant to Defendant's Rule 68 Offer of Judgment the Defendant agrees to pay \$4,001.00 to the Plaintiff, plus reasonable costs and attorneys fees pursuant to 15 USC 1692k of the Fair Debt Collection Practices Act.
4. I am currently licensed and in good standing in the State of New York, and the Eastern, Southern and Western, Districts of the State of New York. Additionally, I am an attorney licensed to practice law in the State of California and in the Central District Court of the State of California. I have been practicing law for approximately 11 years in the State of New York, and approximately 5 years in the State of California.
5. I have extensive experience in the field of consumer protection and started my own solo practice in 2005 with an emphasis on FDCPA and FCRA litigation.

6. The Defendant has taken a “scorched earth” approach to defending the case.
7. Accordingly, the steps taken by Plaintiff’s Counsel were necessary to bring the matter to a speedy, satisfactory, and economically efficient resolution.
8. On or about February 21, 2012, Defendant made an Offer of Judgment pursuant to Rule 68 of the FRCP. Plaintiff filed an acceptance shortly thereafter.
9. On or about March 19, 2012, the parties met and conferred to settle the issue of attorney’s fees and costs as per the Stipulation of the parties.
10. Plaintiff’s Counsel has incurred 256.4 billable hours in attempting to prosecute and resolve this case with the Defendant. Plaintiff’s counsel also incurred costs in this action totaling \$2,342.67 representing Court fees, service of process fees, transcript costs, deposition costs and postage. A true copy of Plaintiff’s counsel’s contemporaneous billing sheets and costs are attached hereto as Exhibits A & B, respectively.
11. The hourly rate requested in this application, \$300.00, is an approved reasonable hourly rate in this District for Attorneys of similar levels of experience as Plaintiff’s counsel.
12. Plaintiff’s Counsel has been approved at the hourly rate of \$325 by Judge John F. Walter in the matter of *Cuevas v. Check Resolution Services, Inc.*, 09 CV 8823, an FDCPA case.
13. Plaintiff’s Counsel’s hourly rate of \$325 has also been approved by Judge J. Paul Oetken in the matter of *Mihovic v Cambridge, Huxley & Associates*, 09 CV 9584.
14. Plaintiff’s Counsels requested billing rate is \$300.00 per hour, which is considered a reasonable billing rate for consumer law attorneys with similar experience in this district. See “Consumer Law Fee Survey from 2010-2011” demonstrating that an attorney with 11-15 years experience in consumer law has an average billing rate of \$385 per hour, attached hereto as Exhibit C.

15. When multiplying the amount of billable time (256.4 hours) spent by the hourly rate (\$300), Plaintiff's Counsel reaches a lodestar amount of \$76,920.00.

16. The total amount sought in attorney's fees and costs, to be added to the Judgment in the sum of \$4,001.00 is:

- a. \$76,920.00 in attorney's fees;
- b. \$2,342.67 in court fees and costs.

TOTAL: \$ 79,262.67 (fees & costs)

I declare under the penalties of perjury that the forgoing is true and correct.

DATED: March 28, 2012

Respectfully submitted,

/S/ AJG
AMIR J. GOLDSTEIN, ESQ.
Attorney for the Plaintiff
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